

CITY COUNCIL MINUTES

November 27, 2006

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, November 27, 2006 at 6:00 p.m. immediately following a 5:30 p.m. closed session with Mayor J. M. Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Keith Nesbitt, Bridgett Powers, Bob Snyder, J. M. Holmes

Council Members Absent: Kevin Hanley

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Airport Manager Jerry Martin, Finance Director Andy Heath, Fire Chief Mark D'Ambrogio

By **MOTION** adjourn to a closed session under Government Code Section 54957.6: **MOTION: Snyder/Nesbitt/Approved 4:0 (Absent Hanley)**

CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representative: David Mackowiak
Employee Group: Fire Department Battalion Chiefs

REPORT OUT OF CLOSED SESSION

No reportable action

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Holmes commended City Staff who participated in the Salvation Army's bell ringing program. He recognized the weekend's Mandarin Festival with an estimate of 40,000 in attendance.

Mayor Holmes announced that he received a presidential appointment from the League of California Cities to the Committee on Transportation, Communication and Public Works Policy. He encouraged Council Members to attend the League of California Cities Leadership Academy Institute in January. He acknowledged receipt of a letter from County Supervisor Jim Holmes in appreciation of the Placer County Officials dinner organized by the City Manager's office.

Mayor Holmes proclaimed the week of November 27 thorough December 4 as Sugar Plump Fairies Week in the City of Auburn. He commended the Sugar Plump Fairies for their service to the community and their fund raising efforts.

The Mayor announced that he had given a Proclamation to the Navy League the previous week for its 50th Anniversary at a very well-attended event. Many community leaders were present.

AGENDA APPROVAL

No changes requested. Approved without objection.

CONSENT CALENDAR

1. **Council Minutes**

By **MOTION** approve City Council Minutes of October 9, 2006.

2. **Wastewater Treatment Plant Pond 1A Lining Project**

By **RESOLUTION 06-135** authorize the recording of a Notice of Completion for the Wastewater Treatment Plant Pond 1A Lining Project.

3. **Festival of Lights Parade Request for Funding**

By **RESOLUTION 06-136** approve the funding request of \$1,000 for the annual Festival of Lights Parade and provide shuttle service from Old Town to Downtown.

***** End of Consent Agenda *****

MOTION to approve the consent agenda. **MOTION: Powers/Snyder/ Approved 4:0 (Absent Hanley)**

4. **Public Comment**

Mayor Holmes recognized many young people in the audience, welcoming them to the Auburn City Council Meeting. He stated that he

assumed that most were present for the Youth Advisory Commission item which would be discussed later in the meeting.

Council Member Nesbitt stated his concern about a new traffic light at the high school. One of the light standard blocks the view of the High Street sign. He asked that someone take a look at it to see if it needs to be relocated. He was also concerned about Auburn Folsom road between Indian Hill and Vintage Oaks. The bundles used for winterization and sediment control “are actually directing some of the sediment out onto the road and over and across to Vintage Oaks.” He said that he has noticed some road deteriorating and requested some attention be directed to problem.

REPORTS

5. Quiet Zones at Railroad Crossings

Public Works Director Jack Warren introduced the item. He stated that the Traffic Committee initially addressed the issue. However, it was decided that it is really not a traffic issue. Therefore, at the committee’s request it was presented to the Council as an informational item. Current law requires trains to blow their horns for fifteen seconds within a quarter of a mile of each crossing. There are four crossing in Auburn. However, a Quiet Zone can be established at each crossing through an application process to the Federal Railroad Administration. Specific improvements are required at each crossing. The City of Auburn would have to upgrade all railroad crossings to be eligible for Quiet Zone status.

Mayor Holmes stated that there is no cost to the city for the Federal Railway Administration to conduct an evaluation and asked that it be done for all four crossings. Once the city is notified of what will be required, the report would then come back to the Council for further discussion. If the desire of the Council would be to make the changes, it could be properly budgeted at that time.

Council Member Nesbitt asked if after receiving the recommendation the city was obligated to the conclusions reached. Director Warren answered that we are not, but that we are at only the beginning stages. There may be regulations of which we are not aware at this point.

Council Member Powers asked what the study would cost. Director Warren stated that he is not aware of any costs for evaluation. Right now it would simply be staff time. She asked if there was any grant money available for the project. Director Warren answered there is a possibility that some is available in Washington, D.C.

Council Member Snyder stated that he would like the item to come back to the Council if there are any application costs.

6. **City Council Committee Reports**

None

COUNCIL BUSINESS

7. **Canyon Drive Lift Station**

Public Works Director Jack Warren introduced the item. He stated that he would not reiterate the information provided the Council at the October 9th meeting unless there were questions. Since that time staff has met with the residents to try to resolve the problem, primarily being location, appearance and sound. No conclusion was reached.

Warren advised that the city contracted with a sound engineer to do some testing to be completed next week. Public Works has also looked at all requests to relocate the equipment, and to exchange and remove the generator. Mr. Warren stated that in his opinion it would not be in the city's best interest to do any additional relocation of any of the equipment. He remains open to dialogue with the neighbors and welcomes any suggestions in regard to screenings, architectural appearance and ways to reduce the noise.

Director Warren stated he had no specific recommendations or agreement on any kind aesthetic barrier or sound barrier.

Council Member Nesbitt stated that he had been to the site several times and is interested in the acoustical testing.

Mayor Holmes stated that he had been to the site several times as well. However, he purposely did not go to the site when other council members were there to comply with the Brown Act.

Rich Munster, 569 Canyon Drive, Auburn stated that after the October 9th Council meeting, the neighbors felt that their concerns were going to be addressed. However, the meeting with staff did not produce a satisfactory outcome nor did subsequent conversations with Public Works. He requested an on-site meeting with Council taking the lead. He reiterated concerns of noise, the aesthetics of a barrier, diesel spills and diminishing property values.

Council questions and discussion with Mr. Munster followed. Council Member Snyder explained the issue to the audience. Mayor Holmes stated that he is hopeful a reasonable compromise can be reached.

Dirk Wooden, 559 Canyon Drive, Auburn, stated that the property values are of concern to the residents. He wanted to make certain that the sound tests are done properly. He requested a Saturday meeting when he would be able to attend.

Tom Faciana, 579 Canyon Drive, Auburn, advised that he lives across the street from the site. He stated that the neighbors continue to be concerned. He formally requested that the next sound testing be on a Saturday when two or three of the residents impacted by the sound would be able to be there.

Director Warren said that he would see if the sound test firm is available on Saturdays. Mr. Faciana said he was not requesting the sound test be on Saturday, but that an on-site meeting could be held on Saturday so the residents could be there. Staff and two council members were also requested to be in attendance. Mayor Holmes suggested that it should be after the sound test results have been received, and the aesthetics can be discussed at that time as well.

Public Works Director Warren stated that equipment was not going to be moved. Therefore, the subject of the next meeting must be sound and aesthetics otherwise reiterating moving issues gets nothing accomplished. Mayor Holmes concurred. Council Member Nesbitt also stated that sound is the issue and it is his belief that it can be diminished. Council Member Snyder stated that he is willing to have a Saturday meeting or a noticed meeting wherein the entire Council could be present. He would like to see the issue resolved as soon as possible not necessarily waiting for the results of the sound testing.

Council Member Powers asked the cost for moving the control panel. Director Warren did not have the cost of separately moving the control panel. She also stated that she would like to see aesthetic and sound issues addressed and resolved as quickly as possible.

8. **Open to Concept Letter – Dry Creek Industrial Park**

Airport Manager Jerry Martin introduced the item. He explained that Western Care Construction is proposing a mixed use development adjacent to the airport on the north side. A portion of the development would be a residential air park which would access the airport. He advised it could be a “through the fence” situation. The use is currently inconsistent with the Airport Land Use Compatibility Plan which was

adopted by the Airport Land Use Commission. There are, however, provisions for determining exceptions. He advised that Council was provided a packet outlining the steps necessary to take in order to make that determination.

The developer is asking the city for support on the concept in order that it can continue with the planning process through Placer County and also with the Airport Land Use Commission. Therefore, there is a request for the mayor to sign an "open to concept" letter. Council discussion followed.

Holmes questioned why we should turn the decision over to the Placer County Board of Supervisors. Martin answered that the project is located in unincorporated territory. The improvements to the city consist of taxiway improvements to the airport.

Holmes stated that his principal concern was that there is a lot of vacant space in the city's industrial park right now. He stated that moving ahead with the project may not be beneficial to the city in getting the industrial park filled with long term leases.

Snyder questioned the location of the industrial/commercial area on the sketches provided in the agenda packet. Martin advised that information was provided in previous council agenda packet November 14, 2006. Snyder questioned access to the north runway and Martin outlined the options.

City Manager Richardson asked for Council authority to move forward with a conceptual plan so the negotiation process may begin with the county and the developer to see if a package can be put together that would be beneficial to the city in a number of ways. He stated that it is too early to know what the outcome will be, but it is worth the time to explore it with all parties.

Snyder requested that the negotiations include a discussion of personal property tax on the aircraft. He stated that the county will receive those taxes. Martin explained that possibly the city would receive that tax money based on precedent.

Nesbitt asked if the city wanted to expand the airport to accommodate corporate jets, how would the project help or hinder further runway expansion. Martin answered that specific information would have to be provided to the FAA to change the classification of the airport for that to occur. He felt it would help the situation to show the FAA that the airport did in fact have the additional usage.

Richard Sanborn, Auburn resident, said that he felt the council brought up most of his concerns, but was additionally concerned with justifying special conditions. He stated that he felt that special conditions could be justified “until we do not have an airport and we’ll never get another one.” He stated that he did not want to see the airport constricted too much. He also felt that new people coming to the airport would take New Airport Road, come up the wrong side of the airport, and try to cut across where they can see pavement all the way to the other side of the airport. He stated that presents a dangerous condition. He added that if there is a development on both sides, people are going to want to drive across the airport. He stated that he is more concerned about the well-being of the airport than he is about the development.

Mayor Holmes advised that the city is a long way from making any final decision on the proposed project.

By **MOTION** approve and authorize the mayor to sign the attached “open to concept” letter to Western Care Construction, Inc. for the Dry Creek Industrial Park development on the northern boundary of the airport.

MOTION: Powers/Nesbitt/Approved 4:0 (Absent Hanley)

9. **Standard City Lease Forms**

Airport Manager Jerry Martin introduced the item. He explained that currently the city is using one city-generated lease for all of the land leases and those in the industrial park. An off-the-shelf commercial lease form is being utilized for the downtown office properties. The City Attorney and staff felt it was appropriate to update all of the city lease forms.

Consensus was received from the Airport Advisory Committee on all leases and all terms and conditions except for Sections 5D and 25 D of the airport land lease, which deals with rent adjustments and sub-leasing conditions. He explained the various types of lease forms. The current land-lease was developed by outside counsel in 1998 and is currently in use and contains the provisions of Section 5D and 25D. All leases executed at the airport and in the industrial park since 1998 contain those clauses. The sections not included in the new forms have been the subject of on going discussions for future airport development.

Council discussion and questions to Mr. Martin followed. City Manager Richardson advised that the City Attorney was asked to bring all the leases current. The forms will not be utilized to any great extent until the city starts one of the next two larger developments at the airport. Present negotiations will be under the current leases.

By **RESOLUTION 06-137** approve the Downtown Properties Commercial Lease, the Airport Commercial Office (FBO), Airport Commercial Office (non FBO), Airport Commercial Hangar, Airport Storage Hangar and Airport Land Leases, as written, except for Sections 5D and 25D of the Airport Land Lease, and direct staff to continue discussions on Sections 5D and 25D of the Airport Land Lease and bring to Council for final approval at a later date. **MOTION: Snyder/Powers/Approved 4:0 (Absent Hanley)**

10. **Establish a Youth Advisory Commission**

Mayor Holmes advised that it was his suggestion that the city have a commission to be able to listen to the concerns of the youth in the community and to keep them informed of issues that may relate to them. He suggested that the commission expiration date of June 30, 2007 be changed to June 30, 2008 which would provide about eighteen months of experience. At that time it the life of the commission can be extended if it appears to be working well.

Council Member Snyder felt that the membership was possibly not defined enough. Holmes responded that it was purposeful to allow more encompassing of the membership with City of Auburn residency not being required.

City Attorney advised that Section 2 needed to be amended to include membership from the greater Auburn area. Nesbitt advised that the resolution date needed to be changed from November 13 to November 27, 2006.

By **RESOLUTION 06-138** establish a Youth Advisory Commission as amended. **MOTION: Snyder/Powers/Approved 4:0 (Absent Hanley)**

ADJOURNMENT

Mayor Holmes adjourned the meeting at 7:56 p.m.

J. M. Holmes, Mayor

Joseph G. R. Labrie, City Clerk

Minutes transcribed by Deputy City Clerk Anne M. Cooley